UNITED STATES PATENT AND TRADEMARK OFFICE

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
HOLLOWAY III, EDWIN C

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/915,033
Filing Date: July 25, 2001
Appellant(s): MORRISON ET AL.

NOV 2 8 2005

GROUP 2600

Theodore W. Olds
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9-21-05 appealing

from the Office action mailed 5-3-05.

(1) **Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

(2) **Related Appeals and Interferences**

A statement that there are no prior or pending related appeals, interferences or judicial proceedings which may affect or may be directly effected by or have a bearing on the Board's decision is contained in the brief. Further, the examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) **Status of Claims**

The statement of the status of claims contained in the brief is correct.

(4) **Status of Amendments After Final**

The amendment after final rejection filed on 9-21-05 has been entered.

(5) **Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Claims 1-2 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) in combination with Prosan (US 4525805) and Guerin (US 6380843). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148), Prosan (US 4525805) and Guerin (US 6380843) as applied above and further in view of Kurosu (US 4683540).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Number	Name	Date
US 4881148	Lambropoulos et al (Lambropoulos)	11-1989
US 4525805	Prosan et al (Prosan)	06-1985
US 6380843	Guerin et al (Guerin)	04-2002
US 4683540	Kurosu et al (Kurosu)	07-1987

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102 & 103

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Claims 1-2 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148) in combination with Prosan (US 4525805) and Guerin (US 6380843).

Regarding claims 1 and 6, Lambropoulos discloses a vehicle entry remote control transmitter and method with a unique code stored by the manufacturer randomly selecting a number from a source such as a number generator. See col. 4 lines 15-30. Regarding claims 7-8, the transmitter of Lambropoulos is for remote vehicle door access. See the title and abstract.

Prosan discloses an analogous art key programming method and key that randomizes a serial number at the factory to provide cipher code for a key that may be easily and consistently implemented. See cols. 3 and 8.

Guerin discloses an analogous art key programming method with serial number, date and time information of assignment (customization) in cols. 3-4 to allow detection of false keys. See col. 3 lines 47-53 and col. 4 lines 55-57.

Regarding claims 1-2 and 6-8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the random number of Lambropoulos as time varying non-sequential code in view of the randomized serial number of Prosan to allow coding that is easily and consistently implemented. Alternatively, it would have been obvious to have provided the key of Prosan with a transmitter as disclosed in Lambropoulos to allow remote entry control. It further would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the date and time as disclosed in Guerin to detect falsification.

3.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambropoulos (US 4881148), Prosan (US 4525805) and Guerin (US 6380843) as applied above and further in view of Kurosu (US 4683540). Kurosu discloses including an assembly line serial number in the abstract and col. 7 for proper tracking of parts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the serial number of the combination applied above an assembly line number as disclosed in Kurosu to allow proper tracking of parts.

(10) Response to Argument

Appellant's arguments filed 9-21-05 have been fully considered but they are not persuasive. The argument that bulk of Lambropoulos is directed to assigning codes to a receiver is not persuasive because Lambropoulos additionally discloses assigning unique random numbers to the transmitter in col. 4 lines 15-30 and col. 12 lines 7-34. Further, appellant's claims do not preclude assigning codes to a receiver. Appellant's statement that the receiver in Lambropoulos is taught to recognize appropriate signals at a factory or maintenance facility is incorrect because Lambropoulos includes field programming in the paragraph bridging cols. 5-6.

The argument that the examiner relies on Prosan solely to show the transmitter signals can be randomly generated is not correct because Prosan is applied to teach in a lock system generating a cipher code for programming a key/transmitter at the factory by appending a serial number with random numbers that is easily and consistently implements and allows verification through parity check and sum of digits or check-sum matching. See col. 3 lines 50-68 of Prosan. Such serial numbers are sequential, but appending random numbers would result in non-sequential cipher codes.

The argument that Lambropoulos fails to meet the claims in

that it cannot ensure that sequential codes are not sequential
and it does not use date and time that a code was assigned is
not persuasive because the rejection is not based on
Lambropoulos alone but on a combination of Lambropoulos with
Prosan and Guerin where Prosan teaches appending random numbers
to make a sequential code not sequential (see above) and where
Guerin teaches appending date and time of code assignment (see
below) allow detection of false keys such as re-use of lost or
stolen keys and prevent access or programming of the lock with
such keys.

The statement that Guerin includes a plurality of carriers
22 customized or changed from time to time and programmed to
prepare key cards is not correct. There is no element 22 in
Guerin. Maybe appellant is referring to ROM 202 in production
machine LE that programs IC keys or carriers C with information
such as serial number date and time of customization in col. 3
line 40 - col. 4 line 65. Appellant further argues that a lock
must be able to recognize that a key is made by an appropriately
authorized carrier, thus Guerin has nothing to do with the
system of Lambropoulos and there would be no suggestion. The
examiner disagrees with appellant's conclusion because col. 4
lines 54-67 of Guerin teaches updating the code for the
key/carrier into a lock only if the key/carrier includes an

appropriate date/time code to prevent re-use of lost or stolen keys. This would provide increased security in the storing of codes from the transmitter into the receiver of Lambropoulos.

Appellant again argues that the purpose of the dates in Guerin appears to be completely unrelated to anything in Lambropoulos. The examiner disagrees. The date/time code in Guerin limits prevent false key codes from being programmed from the key into the lock and would be useful with Lambropoulos to prevent the vehicle receiver from storing unauthorized codes.

Appellant argues that the carriers are updated and the date of customization is then implanted into "every key code made by the carrier" in Guerin and somehow taught to the lock. The examiner disagrees. The storage carrier C does not make key codes, but is stores in memory 101 a key code (CL or CL') including time/date code DpA generated by production machine LE. From col. 4 line 55-56, it appears that that time/date part of the code DpA is compared by the lock to the prior time for that carrier and the code list in the lock only updated if the date on the carrier is greater than the date on the lock. Updating of code CL would also update the time/date DpA. This does not require that the carrier customization date information would somehow be taught to a receiver at the lock, other than teaching key code CL during prior access to store the code CL in the list

of key codes at the lock, where code CL include the date/time
DpA.

The argument that the benefit is solely of use to a system
wherein the are a plurality of carriers making dozens of cards
is not persuasive because the carriers do not make cards (see
above). Appellant argues that each transmitter in Lambropoulos
has an individual code taught directly to the vehicle and would
have absolutely no purpose of teaching a plurality of carrier
dates of customization to the receiver, in that there would be
no need to code a plurality of keys made by a plurality of
carriers for the system of Lambropoulos as there is simply no
benefit from the Guerin date of customization in Lambropoulos.
This argument is not persuasive because there is no plurality of
keys made by a plurality of carriers is Guerin or in the applied
combination. The carrier C in Guerin stores one code CL or CL'
in memory 101. Although the code may be updated from CL to CL',
the carrier stores only one code at a time. Guerin only allows
updating or learning of a new code for a carrier/transmitter if
the time/date Dpa for the carries has increased that would be
useful in Lambropoulos to prevent fraudulent modification of
transmitter codes.

The argument that the dates in Guerin are not necessarily
non-sequential is not persuasive because the claims do not

require that the date alone be non-sequential, only that the

transmitter store a transmitter identification code

incorporating information which is both non-sequential and

varies in order of time the code was determined. The modified

serial number of the combination of Lambropoulos and Prosan is

non sequential and additional inclusion of time/date is

suggested by the key/carrier of Guerin storing identification

information IDA including serial number SN and time/date DpA

information.

The argument that the other use of date in Guerin, to

establish an end date, such as one month, would have no

application to the vehicle system of Lambropoulos is not

persuasive because vehicles are commonly rented, leased or

purchased on a payment plan that must be periodically paid.

This would also be applicable to vehicle used by the postman to

deliver mail in postman example (col. 1 line 35) of Guerin.

The argument that it would be unduly burdensome to require users

of the Lambropoulos system to periodically reactivate each of

their keys is not persuasive because this is no more burdensome

than paying your monthly lease, paying your monthly car loan

bill, or the postman reactivating his key. The argument that

users would be frustrated by returning to a maintenance location

to periodically reauthorize his key is not persuasive because

returning to a maintenance location is not required. Further,

the state of Virginia requires annual vehicle safety and/or

emission inspection that requires periodic return to maintenance

location for reauthorization. The argument that the one month

period would not apply to vehicle use is not persuasive because

claim 1 and Lambropoulos are not limited to vehicles. Further,

monthly vehicle lease payments and monthly vehicle loan payments

are typical, regardless of how long it takes to strip a vehicle.

Also, one month is only an example in Guerin (col. 2 line 31),

and other periods would have been obvious.

Regarding claim 6-8, Lambropoulos discloses disclose

vehicle access. Although Guerin does not expressly discloses

vehicle access, combination with Lambropoulos is suggested by

the renewable time slot access of Guerin being useful "in the

field of checking of access to buildings" in col. 1 lines 10-15

of Guerin that corresponds to "as well as control devices on

other structures such as locks on residential doors and

mechanical garage door operators" in col. 1 lines 15-20 of

Lambropoulos. Further, the postman of Guerin typically uses a

vehicle in delivering mail. Use of date code of Guerin in the

wireless transmitter system of Lambropoulos is suggested by the

reference to the portable storage carrier electric key

communicating by radioelectric means in col. 3 line 36 of

Guerin. Further, the renewable time slot access of Guerin would

have been useful with "any kind of object for which the opening

or use has to be checked" in col. 1 lines 10-15 of Guerin

suggesting structures such as vehicles, residential locks or

garage doors in Lambropoulos.

Appellant's lack of argument regarding the rejection

further relying on Kurosu applied to claim 3 is interpreted as

agreement that the rejection is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified

by the examiner in the Related Appeals and Interferences section

of this examiner's answer.

For the above reasons, it is believed that the rejections
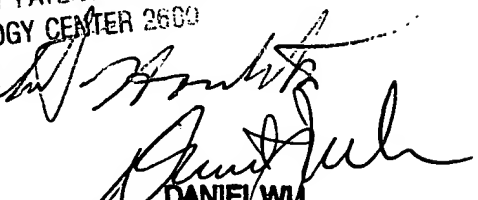
should be sustained.

Respectfully submitted,

Edwin C. Holloway
Primary Examiner
Art Unit 2635

Conferees:

BRIAN ZIMMERMAN
PRIMARY EXAMINER

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DANIEL WU
SUPERVISORY PATENT EXAMINER

SIEMENS CORPORATION

INTELLECTUAL PROPERTY LAW DEPARTMENT

170 WOOD AVENUE SOUTH

ISELIN NJ 08830